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MAR 11 2002

March 11, 2002

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
Washington, DC 20554

**Re: Amendment of Section 73.202(b)  
FM Table of Allotments  
Dickson and Pegram, Tennessee**

Dear Mr. Caton:

Transmitted herewith on behalf of Montgomery Broadcasting Company is an original and four copies of its Petition for Rule Making seeking reallocation of Channel 273C1 to Pegram, Tennessee as its first local aural transmission service in lieu of Dickson, Tennessee, and to modify the facilities of WQZQ-FM to specify operation on Channel 273C1 at Pegram, Tennessee.

Should any questions arise concerning this matter, please contact this office directly.

Sincerely,

  
John F. Garziglia

Enclosures

No. of Copies rec'd 0+4  
List A B C D E

MMB

02-72

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

APR 11 2002

In the Matter of )  
 )  
Amendment of Section 73.202(b) ) MM Docket No. \_\_\_\_\_  
Table of Allotments ) RM No. \_\_\_\_\_  
FM Broadcast Stations )  
(Dickson and Pegram, Tennessee) )

To: Chief, Allocations Branch

**PETITION FOR RULE MAKING**

Montgomery Broadcasting Company, the licensee of WQZQ-FM, Tennessee, by its attorneys, pursuant to Sections 1.401 and 1.420(i) of the Commission's rules, hereby seeks the commencement of a rule making proceeding to amend the Table of Allotments for FM Broadcast Stations, 47 C.F.R. 73.202(b), to specify Channel 273C1 at Pegram, Tennessee, as its first local aural transmission service in lieu of Dickson, Tennessee and to modify the facilities of WQZQ-FM to specify operation on Channel 273C1 at Pegram, Tennessee.<sup>1/</sup> As shown in the attached Technical Report, this allotment may be made in compliance with the Commission's current separation and allocation requirements. Operation from the proposed site will not result in any loss of service or change in the population served by WQZQ-FM. In support whereof, the following is submitted:

1. Montgomery Broadcasting Company requests that the FM Table of Allotments be amended as follows:

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<sup>1/</sup> The proposed coordinates for Channel 273C1 at Pegram, Tennessee are 36° 17' 50" North Latitude and 87° 19' 31" West Longitude (approximately 32 kilometers at an azimuth of 131.6 degrees to Pegram, Tennessee).

<u>Community</u>	<u>Present Channel</u>	<u>Proposed Channel</u>
Dickson, TN	273C1	- - -
Pegram, TN	- - -	273C1

Subsequent to this modification, stations WDKN(AM) and reserved band WNRZ(FM) will remain licensed to Dickson.

2. Pegram, Tennessee is a community for allotment purposes. Pegram is an incorporated place with a population of 2,146 persons (2000 U.S. Census). See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 100 (1982) (requirement of an allotment to a community is generally satisfied if the community is either incorporated or listed in the U.S. Census).

3. In addition, Pegram, Tennessee is self-governing with its own Mayor (Charles Morehead), Vice Mayor (David McCullough), Aldermen (Danny Stuart; David Becker; and Scott Willcutt), City Attorney (Bill Herbert IV), City Planner (Pat Schipani), Park Commissioner (Aubrey Chambers), Fire Department (Brent Stuart, Fire Chief; Jeremy Clark, Assistant Fire Chief), Planning Commission (Morris Hannah, Chairman; Gary Jackson, Secretary; David Becker, Member; James Kelley, Member; Charles Morehead, Member; Danny Stuart, Member), Board of Zoning Appeals (Bill Herbert III, Chairman; Randy March, Vice Chairman; Debbie Turner, Secretary; Earney Chaney, Member; Bob Sanders, Member), City Recorder (Terri L. Ray), Public Works (Brent Stuart), Building Inspector (Vincent Fuqua), and Sewer Operator (Kenneth Welch).

4. There are numerous organizations and businesses located in Pegram. A number of organizations and businesses incorporate "Pegram" in their names (e.g., The Pegram Pantry, Friends of Pegram Park, etc.). See Kenansville, Florida, 10 FCC Rcd 9831 (1995) (existence of a number of organizations incorporating the community's name is indicative of community status).

5. Substitution of Pegram for Dickson, Tennessee as WQZQ-FM's community of license would result in a preferential arrangement of allotments, pursuant to Revision of FM

Assignment Policies and Procedures, 90 FCC 2d 88 (1982); Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989). The substitution would provide Pegram, Tennessee with its first local aural transmission service (fulfilling the Commission's third priority for FM allocations), while Dickson, Tennessee continues to receive local service from WDKN(AM) on 1260 kHz and WNRZ(FM) (noncommercial) on 91.5 MHz as well as reception service from a number of other nearby stations.

6. There will be no short spacing between facilities at the proposed site and other existing facilities as a result of this modification. See Technical Report (attached). Adoption of this proposal will not affect any existing contour protections and no new short spacings will result. See Exhibit E-1.

7. Station WQZQ-FM would provide a 70 dBu signal to less than 50% of the Nashville Urbanized Area from the proposed location. See *Pegram, TN 273C1 70 dBu – Nashville Urbanized Area* (attached as Exhibit E-3). As such, this petition does not require the submission of a Tuck analysis. See *Huntington Broadcasting Co. v. FCC*, 192 F.2d 33 (DC Cir. 1951), RKO General, Inc., 5 FCC Rcd 3222 (1990), and Faye and Richard Tuck, 3 FCC Rcd 5374 (1988).

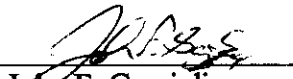
8. The proposed allocation site will provide a 70 dBu service to all of Pegram, and a 60 dBu service to an area of 16,736 square kilometers which includes a 2000 Census population of 1,221,283. See Technical Report at 2-3. Thus, the objectives of 47 U.S.C. 307(b) would be served by substituting the community of license for Channel 273C1 from Dickson to Pegram, Tennessee.

9. Montgomery Broadcasting Company hereby certifies that it has a present intention to apply for the new channel when allotted, and when authorized will modify the facilities promptly and commence operation on Channel 273C1 at Pegram, Tennessee.

WHEREFORE, for the foregoing reasons, it is respectfully requested that the Commission commence a rule making proceeding to reallocate Channel 273C1 from Dickson to Pegram, Tennessee and to modify the license of WQZQ-FM to specify operation on Channel 273C1 at Pegram, Tennessee.

Respectfully submitted,

**MONTGOMERY BROADCASTING COMPANY**

By:   
John F. Garziglia  
Mark Blacknell  
Its Attorneys

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& Rice, PLLC  
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(202) 296-0600

March 11, 2002

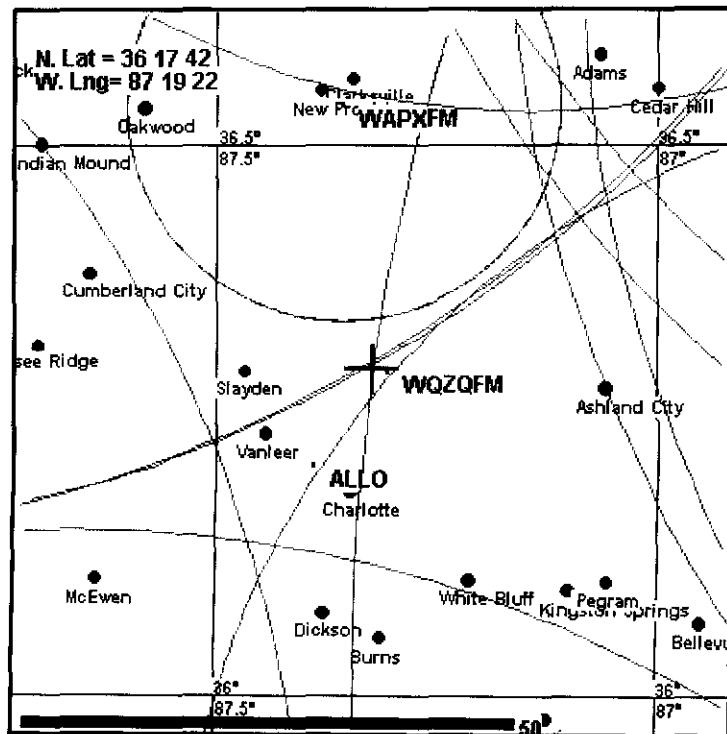
## TECHNICAL REPORT

This technical report has been developed on behalf of Montgomery Broadcasting Company, licensee of station WQZQ currently licensed to Dickson, TN, in support of a petition for rulemaking requesting a change in community of license to Pegram, TN providing a first local aural service.

### I. ALLOCATION ANALYSIS

Exhibit E-1 (graphic included below and tabulation attached as E-1) demonstrates that WQZQ's channel 273C1 may be allocated at an arbitrary site 32.3 km northwest of Pegram (community reference point of N 36-06-15 W 87-03-24) in compliance with all Commission separation and allocation requirements at coordinates:

**N 36-17-50 W 87-19-31 (32.3 km at an azimuth of 131.6 degrees to Pegram).**



The E-1 allocation plot included herein further demonstrates that there is a large area (approximately 80 sq km) within which a fully spaced site for 273C1 could be obtained.

## Charles M. Anderson and Associates

Broadcast Consultants  
Tuscaloosa, AL 35406

Telephone 205-366-9978  
Fax 205-366-1622

Consequently, no loss in service will occur.

A terrain plot is included as exhibit E-3 clearly demonstrating line of sight from a maximum facility C1 to Pegram based on actual elevations obtained from 7.5 minute topographic maps.

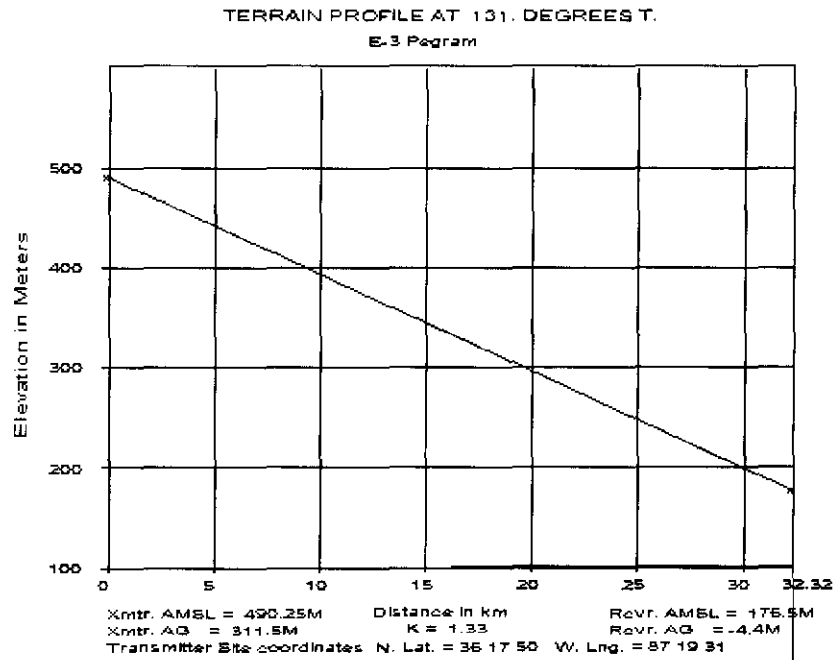


Exhibit E-2 also shows that from the allocation point, the proposed allotment will provide 70 dBu service to Pegram based on either a uniform 50 km or based on actual terrain. E-2 demonstrates that the licensed WQZQ, Dickson facility's 60 dBu is entirely contained within the proposed maximum Pegram 273C1 facility's 60 dBu.

It is also evident from E-1 that the 273C1 Pegram allocation is entirely mutually exclusive with the licensed WQZQ facility on 273C1 at Dickson. Furthermore, Dickson, TN will continue to receive service local aural services from AM station WDKN on 1260 kHz and noncommercial FM station WNRZ on 91.5 mHz.

## **II. Population Analysis**

The proposed Pegram 273C1 allocation will provide a 60 dBu service to an area of 16,376 square kilometers which includes a 2000 population of 1,221,283. There will be no population loss compared to the existing, licensed WQZQ facility.

## **III. Conclusion**

The reallocation of WQZQ from Dickson to Pegram, TN will provide a first local service to that community thereby fulfilling the Commission's third priority for FM allocations, and meeting all Commission allocation rules and policies. Dickson will continue to receive local aural services from WDKN(AM) and WNRZ(FM).



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Charles M. Anderson February 9, 2002



## Charles M. Anderson

## E-1 Pegram

REFERENCE  
36 17 42 N  
87 19 22 W

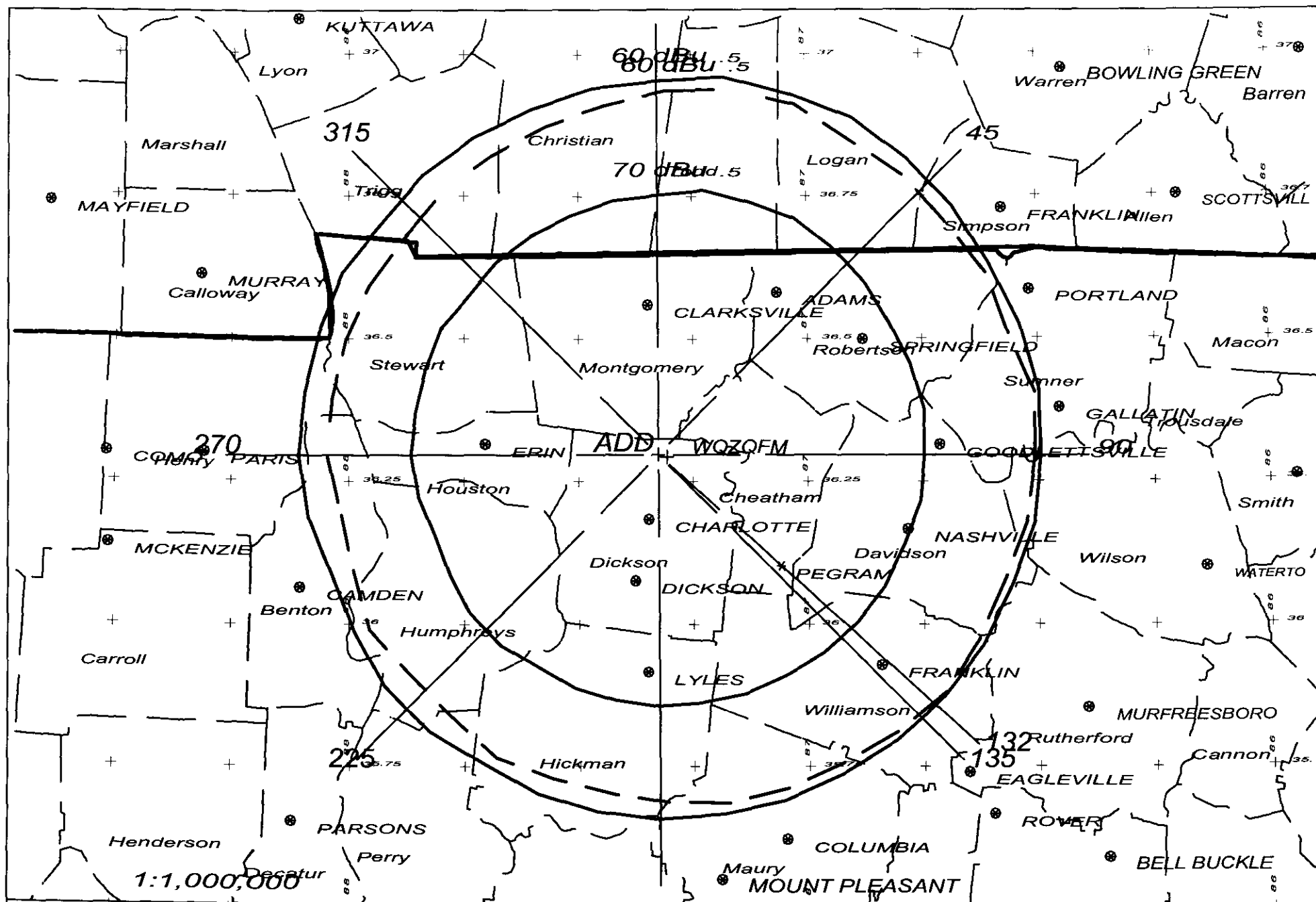
CLASS = C1  
Current Spacings

DISPLAY DATES  
DATA 02-09-02  
SEARCH 02-09-02

----- Channel 273 - 102.5 MHz -----

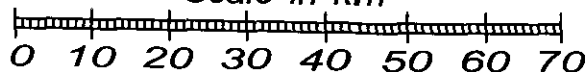
Call	Channel	Location		Dist	Azi	FCC	Margin
RDEL	DEL 273C1	Dickson	TN	1.53	96.5	245.0	-243.47
RADD	ADD 273C1	Pegram	TN	1.53	96.5	245.0	-243.47
WQZQFM	LIC 273C1	Dickson	TN	1.53	96.5	245.0	-243.47
WQZQFM	CP 273C1	Dickson	TN	1.55	96.4	245.0	-243.45
ALLO	USE 273C1	Dickson	TN	11.29	211.7	245.0	-233.71
WOWF	LIC 273C3	Crossville	TN	211.01	97.6	211.0	0.01
ALLO	USE 273C3	Crossville	TN	211.02	97.6	211.0	0.02
WMJLFM	LIC 274A	Marion	KY	133.45	330.5	133.0	0.45
ALLO	USE 274A	Marion	KY	133.83	330.1	133.0	0.83
WBUZ	LIC 275C1	Shelbyville	TN	83.70	130.9	82.0	1.70
RADD	ADD 275C1	La Vergne	TN	83.70	130.9	82.0	1.70
RDEL	DEL 275C1	Shelbyville	TN	83.70	130.9	82.0	1.70
ALLO	USE 275C1	Shelbyville	TN	83.70	130.9	82.0	1.70
WBUZ	LIC 275C1	Shelbyville	TN	83.70	130.9	82.0	1.70
WBUZ.C	CP 275C1	Shelbyville	TN	83.70	130.9	82.0	1.70
WAPXFM	LIC 219A	Clarksville	TN	27.03	353.6	22.0	5.03
WAPXFM	APP 220A	Clarksville	TN	27.07	353.5	22.0	5.07
ALLO	USE 272A	Humboldt	TN	150.76	247.3	133.0	17.76
WZDQ	LIC 272A	Humboldt	TN	150.76	247.3	133.0	17.76
ALLO	VAC 274A	St. Florian	AL	152.04	191.6	133.0	19.04
WKWY.C	CP 274A	Tompkinsville	KY	154.56	71.5	133.0	21.56
WCLUFM	LIC 272A	Munfordville	KY	159.01	51.4	133.0	26.01
ALLO	USE 274A	Tompkinsville	KY	159.98	74.5	133.0	26.98
ALLO	USE 270C1	Central City	KY	109.31	8.4	82.0	27.31
ALLO	USE 272A	Munfordville	KY	166.08	48.5	133.0	33.08
WDXB	LIC 273C	Jasper	AL	312.26	181.3	270.0	42.26
WLCT	LIC 271A	Lafayette	TN	120.94	76.8	75.0	45.94
ALLO	USE 271A	Lafayette	TN	122.92	78.2	75.0	47.92
WFCMFM	APP 219C3	Murfreesboro	TN	84.64	137.6	24.0	60.64
WFCMFM	LIC 219C3	Murfreesboro	TN	84.64	137.6	24.0	60.64
WEBQFM	LIC 272A	Eldorado	IL	196.91	329.7	133.0	63.91
ALLO	USE 272A	Eldorado	IL	196.91	329.7	133.0	63.91
WQXQ	LIC 270C1	Central City	KY	146.09	11.5	82.0	64.09
WCBF	LIC 271C3	Clinton	KY	140.12	291.1	76.0	64.12
ALLO	USE 273C1	Jasper	AL	310.69	181.3	245.0	65.69
WWEG	LIC 273A	Mitchell	IN	271.17	16.2	200.0	71.17
WEGR	LIC 274C1	Memphis	TN	249.05	243.6	177.0	72.05
WDXB.C	CP 273C1	Jasper	AL	318.86	172.6	245.0	73.86
ALLO	USE 271C3	Clinton	KY	150.43	289.8	76.0	74.43
WMXXFM	LIC 276C2	Jackson	TN	156.32	238.1	79.0	77.32
ALLO	USE 273A	Mitchell	IN	280.90	15.2	200.0	80.90
ALLO	USE 274C1	Memphis	TN	258.47	242.1	177.0	81.47
ALLO	USE 276C2	Jackson	TN	162.41	237.4	79.0	83.41

Call	Channel	Location		Dist	Azi	FCC	Margin
WWHR.C	CP 219A	Bowling Green	KY	106.43	41.8	22.0	84.43
WWHR	LIC 219A	Bowling Green	KY	108.79	45.0	22.0	86.79
ALLO	USE 271C1	Decatur	AL	172.11	162.0	82.0	90.11
WKZU.A	APP 272A	Ripley	MS	223.52	218.4	133.0	90.52
WKZU	LIC 272A	Ripley	MS	224.26	218.3	133.0	91.26
ALLO	USE 272A	Ripley	MS	224.26	218.3	133.0	91.26
WGBFFM	LIC 276A	Henderson	KY	167.15	350.9	75.0	92.15
ALLO	USE 276A	Henderson	KY	167.15	350.9	75.0	92.15
ALLO	USE 272A	Soddy-daisy	TN	225.24	122.3	133.0	92.24
WGOWFM	LIC 272A	Soddy-daisy	TN	225.24	122.3	133.0	92.24
ALLO	USE 274A	Trenton	GA	227.75	133.4	133.0	94.75
WDRM	LIC 271C1	Decatur	AL	178.02	159.2	82.0	96.02
KEZKFM	LIC 273C	St. Louis	MO	366.81	314.6	270.0	96.81
ALLO	USE 273C	St. Louis	MO	366.81	314.6	270.0	96.81
AP219	APP 219A	Madisonville	KY	119.05	352.6	22.0	97.05
981211	APP 219A	Madisonville	KY	122.53	352.9	22.0	100.53
KDEXFM	CP 272C2	Dexter	MO	258.85	284.9	158.0	100.85
ALLO	USE 272C2	Dexter	MO	258.85	284.9	158.0	100.85
WLME	LIC 275C3	Cannelton	IN	176.94	20.8	76.0	100.94
WLTO	LIC 273A	Nicholasville	KY	303.10	54.8	200.0	103.10
WBDX	LIC 274A	Trenton	GA	236.26	131.8	133.0	103.26
ALLO	USE 273A	Nicholasville	KY	303.40	54.2	200.0	103.40
WAKYFM	LIC 274A	Springfield	KY	236.62	48.2	133.0	103.62
KDEXFM	LIC 272A	Dexter	MO	237.88	284.1	133.0	104.88
ALLO	USE 275C3	Cannelton	IN	184.16	20.1	76.0	108.16
ALLO	USE 274A	Springfield	KY	242.69	49.7	133.0	109.69
WBTOFM	LIC 272A	Petersburg	IN	245.76	0.6	133.0	112.76
ALLO	USE 272A	Petersburg	IN	245.76	0.6	133.0	112.76
WGRKFM	LIC 276A	Greensburg	KY	193.59	55.8	75.0	118.59
ALLO	USE 276A	Greensburg	KY	193.59	55.8	75.0	118.59
WKIIFM	LIC 272A	Somerset	KY	251.90	68.9	133.0	118.90



1:1,000,000

Scale in km



WQZQFM 273C1 100kW 490.25M AMSL

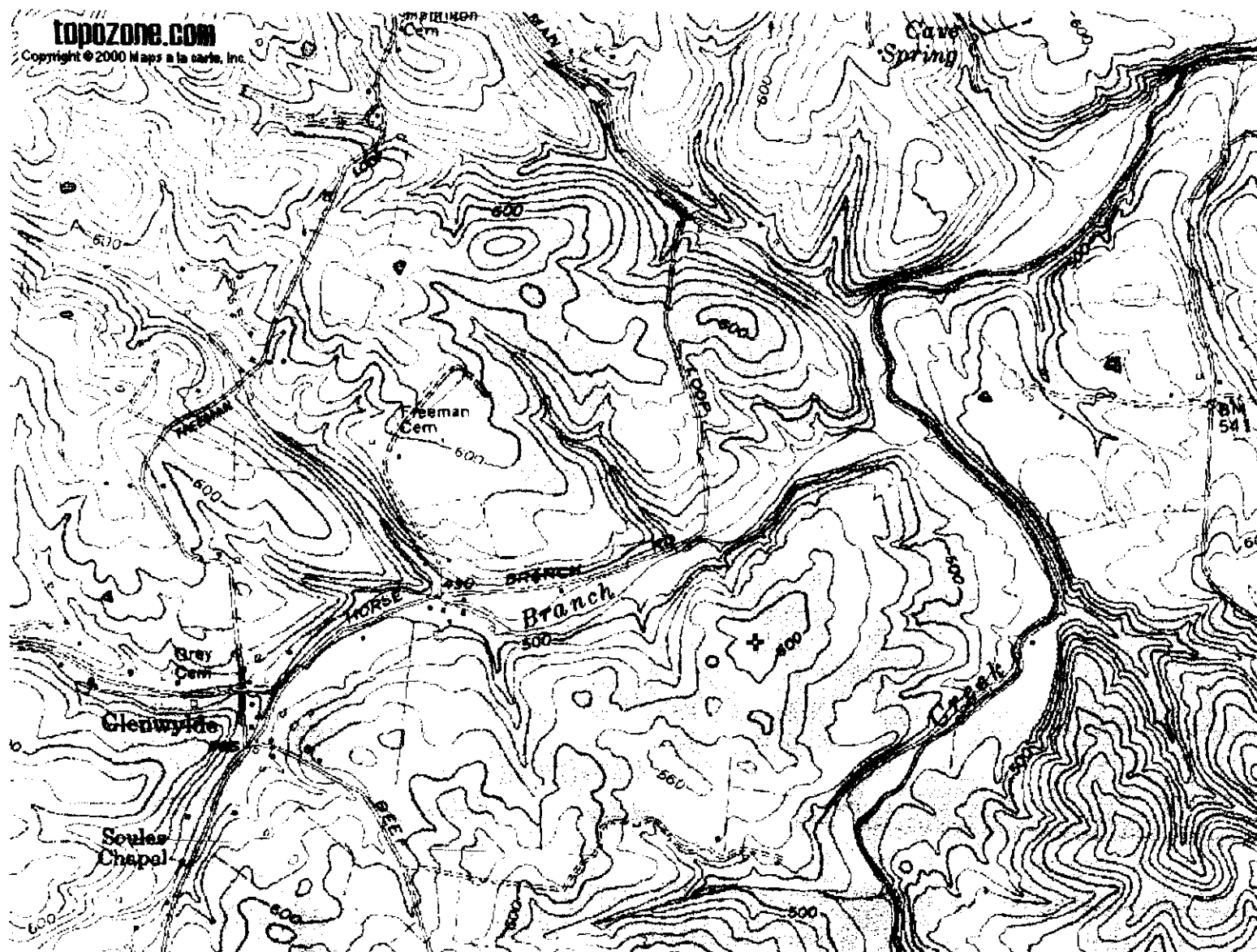
N. Lat. 36 17 50 W. Lng. 87 19 31

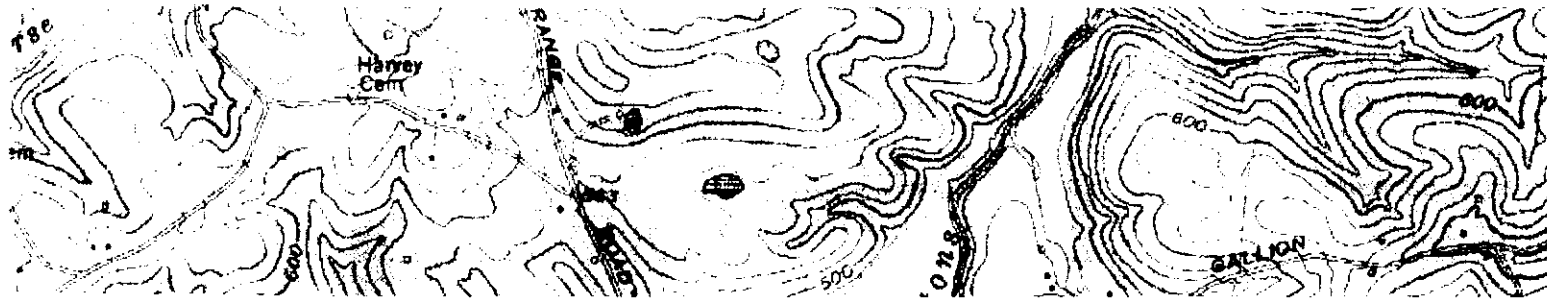
E-2 Pegram

C Anderson & Assoc. -

# TopoZone.com

Target is 36° 17' 50"N, 87° 19' 31"W - CUMBERLAND FURNACE quad [Quad Info]





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EXHIBIT E\_#3

N 36-17-50 W 87-19-31

+ PEGRAM-RM

+ 87.25  
+ 36.25

+ 87  
+ 36.25

+ 86.75  
+ 36.25

+ 86.5

NOTE: Pegram 70 dBu covers  
significantly less than 50%  
of Nashville Urban Area..

+ 87.25  
+ 36

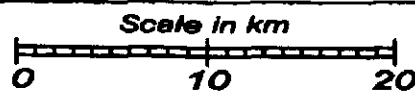
+ 87  
+ 36

+ 86.75  
+ 36

Pegram 70 dBu (100kw/299M)

Nashville Urban Area

1:351,563



PEGRAM, TN  
URBANIZED AREA

70 DBU -- NASHVILLE

PEGRAM  
C Anderson & Assoc. - 03/02